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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Robert Hemmerle,)
11 Petitioner,) No. CV-04-0315-PHX-PGR
12 vs.)
13 Charles L. Ryan, et al.,) ORDER
14 Respondents.)

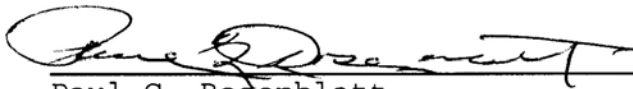
15 This Court dismissed the petitioner's habeas petition, filed pursuant to 28
16 U.S.C. § 2254, as time-barred on May 12, 2006. The Ninth Circuit, agreeing that
17 the habeas petition was filed after the expiration of the AEDPA's statute of
18 limitations, affirmed the dismissal on appeal, Hemmerle v. Schriro, 495 F.3d
19 1069 (9th Cir.2007), and subsequently denied the petitioner's request for
20 rehearing. The Supreme Court denied the petitioner's petition for certiorari and
21 then denied the petitioner's request for rehearing. This Court summarily denied
22 the petitioner's Motion for Reconsideration on January 8, 2008, and then entered
23 an order on December 3, 2009 that denied the petitioner's Rule 60(b) Motion; that
24 order included a finding that no certificate of appealability should issue.

25 Notwithstanding the above, the petitioner has now filed a Motion for
26 Reconsideration of the Order Denying the Rule 60(b) Motion (doc. #72), wherein

1 he requests that the Court grant a certificate of appealability regarding the Rule
2 60(b) motion. The Court finds that the motion should be summarily denied
3 because the Court has already stated why it will not issue a certificate of
4 appealability and nothing in the petitioner's motion raises any grounds not already
5 rejected by the Court. Therefore,

6 IT IS ORDERED that the petitioner's Motion for Reconsideration of the
7 Order denying the Rule 60(b) Motion (doc. #72) is denied.

8 DATED this 16th day of December, 2009.

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11 Paul G. Rosenblatt
12 United States District Judge
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